



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,348	12/07/2000	Yen Choo	674538-2001	1675
20999	7590	03/24/2004	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				COLLINS, CYNTHIA E
		ART UNIT		PAPER NUMBER
		1638		

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Amendment

The reply filed June 24, 2003 is not fully responsive to the Office communication mailed March 25, 2003 for the reason(s) set forth below and on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report.

Claims 25 and 52, filed January 17, 2003, are directed to a plant host cell or transgenic plant comprising a polynucleotide encoding an engineered zinc finger polypeptide having two or more zinc fingers having structures of the formula X₀₋₂ C X₁₋₅ C X₉₋₁₄ H X₃₋₆ H/C, and a method of regulating transcription in a plant cell by introducing into a plant cell an engineered zinc finger polypeptide having two or more zinc fingers having structures of the formula X₀₋₂ C X₁₋₅ C X₉₋₁₄ H X₃₋₆ H/C. Claims 25 and 52 currently do not comply with 37 CFR 1.821 because the formula X₀₋₂ C X₁₋₅ C X₉₋₁₄ H X₃₋₆ H/C is an unbranched sequence of four or more amino acids having four specifically defined amino acids, which sequence must be set forth in the "Sequence Listing" and assigned a separate sequence identifier, and which sequence must be referred to by use of the sequence identifier, preceded by "SEQ ID NO:" in the text of the description or claims, even though the sequence is also embedded in the text of the description and claims of the patent application.

Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio

(<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)

2. Mailed to:

Commissioner for Patents
P.O. Box 22313-1450
Alexandria, VA 22313-1450

3. Hand Carried directly to (EFFECTIVE 12/01/2003):

U. S. Patent and Trademark Office
Box Sequence, Customer Window, Lobby, Room 1B03
Crystal Plaza Two
2011 South Clark Place
Arlington, Virginia 22202

4. Mailed by Federal Express, United Parcel Service or other delivery service to:

U. S. Patent and Trademark Office
Box Sequence, Room 1B03-Mailroom
Crystal Plaza Two
2011 South Clark Place
Arlington, Virginia 22202

Remarks

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Collins whose telephone number is (571) 272-0794. The examiner can normally be reached on Monday-Friday 8:45 AM -5:15 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on (571) 272-0804. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

Cynthia Collins

Cynthia Collins 3/18/04

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: This application fails to comply with 37 C.F.R. 1.821. In particular, sequences having four or more amino acids or ten or more bases must have a sequence identifier preceded by "SEQ ID NO:" to comply with 37 C.F.R. 1.821(a). Additionally, where the description or claims discuss a sequence, reference must be made to the sequence by use of the sequence identifier preceded by "SEQ ID NO:" in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims. 37 C.F.R. 1.821(d).

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY